

Message Text

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FM SECSTATE WASHDC

TO USMISSION GENEVA

C O N F I D E N T I A L STATE 066707

E.O. 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: SWISS PROPOSAL FOR PEACEFUL SETTLEMENT
OF DISPUTES

REF: GENEVA 980

1. WE GENERALLY CAN ACCEPT SWISS PROPOSAL SET FORTH
REFTEL FOR POST-CONFERENCE STUDY OF A NEW SYSTEM OF
PEACEFUL SETTLEMENT OF DISPUTES. WE QUESTION WISDOM,
HOWEVER, OF PARA A OF PROPOSAL WHICH RESTATES IN SLIGHTLY
LESS FAVORABLE TERMS THE SUBSTANCE OF SECOND AND
THIRD PARAS OF PEACEFUL SETTLEMENT OF DISPUTES PRINCIPLE
(DOCUMENT II/A/133). IF SWISS DOCUMENT REQUIRES SOME INTR
DUCTORY MATERIAL, WE WOULD PREFER A SIMPLE REFERENCE TO
THAT PRINCIPLE.

2. WE WILL BE UNABLE TO COMMIT OURSELVES TO PARTICIPA-
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TING IN A MEETING OF EXPERTS UNDER THE FINANCIAL ARRANGE-

MENTS WHICH GOVERN CSCE ITSELF WITHOUT A PROVISION THAT SUCH PARTICIPATION IS SUBJECT TO ANY LEGISLATIVE APPROPRIATION WHICH MAY BE REQUIRED. IN U.S. CASE, EXPENSE WOULD BE OF SUFFICIENT MAGNITUDE THAT WE WOULD NEED A SPECIFIC APPROPRIATION. THIS CONCEPT COULD BE INTRODUCED IN A NUMBER OF WAYS, ONE OF WHICH WOULD BE TO BEGIN SECOND SENTENCE OF PARA C WITH "SUBJECT TO ANY NECESSARY LEGISLATIVE ACTION."

3. THOUGH A MEETING OF EXPERTS LIMITED ONLY TO CONSIDERATION OF POSSIBLE COMPULSORY METHODS FOR SETTLEMENT OF DISPUTES WOULD BE OF GREATER INTEREST TO USG, WE WOULD NOT REQUIRE THAT THIS BE THE ONLY SUBJECT OF DISCUSSION, PROVIDED IT IS CLEAR THAT ANY NEW SYSTEM ADOPTED MUST ATTRACT CONSENSUS SO THAT IT IS POSSIBLE TO PREVENT AN UNDESIRABLE NEW SYSTEM FROM EMERGING. AS STATED IN PREVIOUS GUIDANCE WE WOULD NOT WISH TO CREATE A SYSTEM WHICH UNDERCUTS EXISTING PEACEFUL SETTLEMENT MACHINERY SUCH AS THE ICJ. WE DO NOT FEEL, HOWEVER, THAT NEW SWISS TEXT PREJUDICES THESE CONSIDERATIONS. THEREFORE, THOUGH WE ARE NOT SANGUINE THAT SOVIETS WILL ACCEDE TO ADOPTION OF A NEW SYSTEM WHICH WOULD BE ACCEPTABLE TO THE WEST AND SUSPECT THAT PRESENT STALEMATE IS LIKELY TO CONTINUE, WE ARE PREPARED TO COMMIT OURSELVES NOW TO ATTEND THE MEETINGS ENVISAGED. HOPEFULLY THE SWISS GOVERNMENT WOULD NOT CONVENE THE MEETING OF EXPERTS UNTIL THEY HAD INDICATIONS THAT IT WOULD BE SUCCESSFUL.

4. YOU SHOULD RESERVE FOR THE TIME BEING AS TO WHETHER FUTURE MEETING OF EXPERTS IS TO BE CHanneLED THROUGH OR BE OUTSIDE FOLLOW-UP UNTIL NATURE OF THE FOLLOW-UP IS FURTHER CLARIFIED.

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